

QUANTITY: 3 cases, each containing 12 1-qt. btl. of Harmon's Instant Portion Control malt-flavored sirup; 10 cases, each containing 4 1-gal. jars. of Quik Thik Instant Portion Controlled malt-flavored sirup; 10 cases, each containing 4 1-gal. tins of Harmon's Instant Portion Control malt-flavored sirup; at Redwood City, Calif.

SHIPPED: Between 6-1-63 and 9-30-63, from McCook, Nebr., by Grain Products Corp.

LABELS IN PART: (Btl.) "Harmon's Instant Portion Control Liquid Malt * * * Ingredients: Water, Sugar, Malted Barley, Malt Syrup, 1% Benzoate of Soda * * * Manufactured by Grain Products Corp. McCook Nebr." (some labels had the addition of 0.1% Methylparaben and the obliteration of Benzoate of Soda); (jar) "Quik Thik Instant Portion Controlled Liquid Malt * * * A High Energy Food * * * Ingredients: Water, Corn Syrup, Malt 0.1% Potassium Sorbate as a chemical preservative * * * Manufactured by Grain Products Corporation McCook, Nebraska"; and (tin) "Harmon's Instant Portion Control Liquid Malt Ingredients: Corn Syrup Solids, Water, Malted Barley, Malt Syrup, less than .1% Sorbic Acid and Potassium Sorbate as a chemical preservative Manufactured by Grain Products Corporation McCook, Nebraska."

RESULTS OF INVESTIGATION: Examination shows that the articles were malt-flavored sirups. Further examination showed that the 3-case lot contained methyl parahydroxybenzoate (methylparaben) in place of benzoate of soda. Factory inspection disclosed that the articles contained water, malt sirup, malt flavor, corn sirup, and a chemical preservative.

LIBELED: 1-9-64, N. Dist. Calif.

CHARGE: Harmon's Instant Portion Control malt-flavored sirup (3-case lot of btl.), 403(a)—when shipped, the name of the article "Instant * * * Liquid Malt" was false and misleading, since the article consisted of water, sugar, malted barley, malt sirup and methylparaben; and in that the label falsely states the presence of sodium benzoate; 403(f)—the information required to appear on the label under 403(e) (1) and 403(i) (2), namely, the name and place of business of the manufacturer, packer, or distributor, and the common or usual name of each ingredient, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the article contained a preservative, methylparaben, and the label failed to state that fact.

Quik Thik malt-flavored sirup (10-case lot of jars), 403(a)—when shipped, the name of the article "Instant Liquid Malt" and the label statement "A high energy food" were false and misleading for an article consisting of water, corn sirup, malt and potassium sorbate.

Harmon's Instant Portion Control malt-flavored sirup (10-case lot of tins), 403(a)—when shipped, the name of the article "Instant Liquid Malt" was false and misleading, since the article consisted of corn sirup solids, water, malted barley, malt sirup, sorbic acid and potassium sorbate.

DISPOSITION: 2-27-64. Default—delivered to a charitable institution for use in the institution, but not for resale.

29732. Molasses, vitamin-mineral tablets, and canned sliced papaya. (F.D.C. No. 49782. S. Nos. 50-745 X, 50-751 X, 50-754 X.)

QUANTITY: 256 cases, each containing 24 15-oz. jars, and 303 cases, each containing 12 1-pt. 15-oz. jars of molasses; 11 360-tablet btl., and 9 90-tablet btl., of vitamin-mineral tablets; and 4 cases, each containing 24 9-oz. cans of sliced papaya, at San Francisco, Calif.

SHIPPED: The molasses was shipped 8-15-62, from Newark, N.J., by Plantation Foods, Inc., the vitamin-mineral tablets between 10-26-61 and 2-19-63, from Portland, Oreg.; and the sliced papaya between 1-1-60 and 12-31-64, from Honolulu, Hawaii.

LABEL IN PART: (Jar) "Plantation 'The Original' Brand A Good Source Of Iron Blackstrap Molasses * * * Dist. By Plantation Foods, Inc., Newark, N.J."

LIBELED: 2-13-64, N. Dist. Calif.

CHARGE: 403(a)—when shipped, the label of the molasses contained false and misleading representations that that article in tablespoonful amounts was adequate and effective by reason of its iron content to build red blood, prevent nutritional anemia due to lack of iron, promote buoyant health; and by reason of its calcium content to promote growth of children; build strong bones and teeth, promote steady nerves, and was especially beneficial during pregnancy and lactation; and by reason of its vitamin B₁ content, to promote a good appetite; and promote steady nerves; and in the manner in which it was used in ordinary diet, provided significantly more iron than beef liver; and supplied a high mineral content generally for special dietary supplementation.

402(a) (2) (C)—while held for sale, the vitamin-mineral tablets contained a food additive, folic acid, which was unsafe within the meaning of 409, since it and its use and intended use were not in conformity with a regulation or exemption.

402(a) (3)—while held for sale, the canned papaya slices contained decomposed papaya.

DISPOSITION: 6-11-64. Consent as to the molasses—claimed by Plantation Foods, Inc., for relabeling; default and destruction as to the vitamin-mineral tablets and the sliced papaya.

DAIRY PRODUCTS

BUTTER

29733. Butter (2 seizure actions). (F.D.C. Nos. 50194; 50195. S. Nos. 58-161 A; 80-899 A.)

QUANTITY: 78 64-lb. ctns. and 25 64-lb. ctns. at New York, N.Y.

SHIPPED: 7-31-64 and 8-28-64, from Hartley, Iowa, by Hartley Creamery Co.

LABEL IN PART: (Ctn.) "Creamery Butter Keep Refrigerated Butter Distributed by Zenith-Godley Company New York."

LIBELED: On or about 9-21-64 and on 8-18-64, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained a filthy substance when shipped.

DISPOSITION: 10-14-64 and 9-25-64. Default—destruction.

29734. Butter. (F.D.C. No. 50193. S. No. 57-776 A.)

QUANTITY: 21 64-lb. boxes at St. Paul, Minn.

SHIPPED: 9-25-64, from Rock Rapids, Iowa, by Rock Rapids Cooperative Creamery Association.